

Serial No. 09/785,100
RPC 0559 PUS; 67080-285 PUS1

REMARKS

Applicant filed an amendment entitled "RCE Amendment" by mail today (April 10, 2006) including new claims 52-94, an amended Figure 6, and a Terminal Disclaimer. The claims and substantive remarks in the amendment filed by mail on April 10, 2006 are identical to the claims and remarks in this amendment.

Applicant has amended Figure 6 to change reference numeral "48" to reference numeral "46." A replacement drawing sheet including an amended Figure 6 is attached.

Applicant has submitted a Terminal Disclaimer herewith for United States Patent No. 5,979,654.

Claims 1-51 were rejected under 35 USC 102(e) as being anticipated by Apps et al. (U.S. Patent No. 5,651,461), claims 15-19, 21-26, 50 and 51 were rejected under 35 USC 102(e) as being anticipated by Apps et al. (U.S. Patent No. 5,704,482), and claims 28-30 and 32-39 were rejected under 35 USC 102(b) and/or 102(e) as being anticipated by Koefeldt (U.S. Patent No. 5,465,843). Claims 1-51 have been cancelled, and new claims 52-94 have been added.

The claimed invention is not anticipated by Apps (U.S. Patent No. 5,651,461). Apps discloses a stackable case 10 including a floor structure 20 and side walls 12, 14, 16 and 18 for retaining and transporting individual bottles 9 (column 5, lines 17 to 20). An individual bottle 9 is retained within a bottle retaining pocket 32 defined by four separate upwardly projecting columns 30 and pylons 58 (column 6, lines 22 to 32). The case 10 includes depressions 38 in the side walls 12 and 16. Apps discloses bottles 9 transported in the case 10, but does not disclose a bottle carrier supported by the floor structure 20 as claimed. Apps does not employ any bottle carrier. Therefore, the depressions 38 do not allow labels of a bottle carrier that is supported by the floor structure 20 to be viewable. Apps also does not disclose that a ratio of a number of the depressions 38 in the sidewalls 12 and 16 to a number of the cut-outs in the endwalls 14 and 18 is 2 as claimed. As shown in Figure 1, the ratio of the depressions 38 in the sidewalls 12 and 16 (4 depressions 38) to the cut-outs in the endwalls 14 and 18 (1 cut-out) is 4. The claimed invention is not anticipated by Apps, and Applicant respectfully requests that the rejection be withdrawn.

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The claimed invention is also not anticipated by Apps (U.S. Patent No. 5,704,482). Apps discloses a stackable case 20 for retaining and transporting individual bottles. The case 20 includes a floor 22 and a wall structure 24 (column 5, lines 23 to 27). Pylons 32 spaced along sidewalls 26 include a center panel 56 that protrudes between adjacent bottles to provide support when the crate 20 is loaded (column 6, lines 32 to 38). Windows 37 are provided between the pylons 32 in the sidewalls 26 (column 4, lines 53 to 60 and Figure 1). Apps discloses bottles transported in the case 20, but does not disclose a bottle carrier supported by the floor 22 as claimed. Apps does not employ any bottle carrier. Therefore, the windows 37 do not allow labels of a bottle carrier that is supported by the floor 22 to be viewable as claimed. Apps also does not disclose that a ratio of a number of windows 37 in the sidewalls 26 to a number of cutouts in the endwalls 28 is 2 as claimed. As shown in Figure 1, the ratio of the number of openings 37 in the sidewalls 26 (5 openings 37) to the number of cut-outs in the endwalls 27 (1 cut-out) is 5. The claimed invention is not anticipated by Apps, and Applicant respectfully requests that the rejection be withdrawn.


The claimed invention is also not anticipated by Koefeldt (U.S. Patent No. 5,465,843). Koefeldt discloses a stackable case 20 for retaining and transporting individual bottles. The case 20 includes a floor 22 and a wall structure 24 (column 4, lines 33 to 37). Pylons 30 spaced along sidewalls 25 include a central panel 70 that protrudes between adjacent bottles to provide support when the crate 20 is loaded (column 7, line 62 to column 8, line 2). Windows 63 are provided between the pylons 30 in the sidewalls 25 (column 7, lines 41 to 45). Koefeldt discloses bottles transported in the case 20, but does not disclose a bottle carrier supported by the floor 22 as claimed. Koefeldt does not employ any bottle carrier. Therefore, the windows 63 do not allow labels of a bottle carrier that is supported by the floor 22 to be viewable as claimed. Koefeldt also does not disclose that a ratio of a number of the windows 63 in the sidewalls 25 to a number of the cut-outs in the endwalls 27 is 2 as claimed. As shown in Figure 1, the ratio of the number of the windows 63 in the sidewalls 25 (6 windows 63) to the number of cut-outs in the endwalls 27 (1 cut-out) is 6. The claimed invention is not anticipated by Koefeldt, and Applicant respectfully requests that the rejection be withdrawn.

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Thus, claims 52-94 are in condition for allowance. The Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., \$920.00 (\$130.00 for the Terminal Disclaimer Fee and \$790.00 for the Request for Continued Examination Fee). No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully Submitted,

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CERTIFICATE OF FACSIMILE

I hereby certify that the enclosed RCE Transmittal, RCE Amendment and Terminal Disclaimer is being facsimile transmitted to the United States Patent and Trademark Office, 571-273-8300, on April 10, 2006.



Karin Butchko